

CONDITIONAL DISTRICTS**§ 153.200 PURPOSE.**

(A) This subchapter contains regulations which establish zoning districts and assign land uses to one or more of these districts. This subchapter also provides standards for development which regulate lot size, yards, parking, and open-space; however, there are certain uses which because of their nature or scale have particular impacts on both the immediate area and the community as a whole. The development of these uses cannot be predetermined and controlled by general district type regulations. In addition, circumstances often arise when a general zoning district designation would not be appropriate for a certain property, but a specific use permitted under the district would be consistent with the objectives of this subchapter. To accommodate these unusual situations, this section establishes two specific processes: the conditional district process and the parallel conditional use district process.

(B) The conditional district process allows certain uses to be established in accordance with specific development standards for each use. There are presently three categories which may be developed only through the conditional district process: the B-1 Shopping Center District; the R-VS Residential Varied Style District; and the MUD Mixed Use Development district. The standards for these districts are provided in the following sections of this subchapter. (Ord. No. 1652-A, passed 11-10-08)

(C) The parallel conditional use district process is established to address those situations when a particular use may be acceptable but the general classification which would allow that use would not be acceptable. It allows the Board of Commissioners to approve a proposal for a specific use with reasonable conditions to assure the compatibility of the use with surrounding properties. Any use permitted under this process must also conform to the development regulations for the corresponding general zoning district. This is a voluntary procedure which is intended for firm development proposals. It is not intended or suited for securing early zoning for tentative proposals which may not be undertaken for some time. ('72 Code, § 3201) (Ord. 477, passed 2-8-88)

§ 153.201 APPLICATION AND REVIEW PROCESS.

The following process applies to both the conditional district and the parallel conditional use district. For simplicity the term conditional district will be used in this section to refer to both of these types of districts unless otherwise noted.

(A) *Application.* Zoning petitions to establish a conditional district must be submitted to the Planning Board and will be processed in accordance with the provisions of §§ 153.265 through 153.271 for zoning amendments as well as this section. A conditional district classification will be

considered only if the application is made by the owner of the property or his/her authorized agent. All applications must include a schematic plan drawn to scale and supporting text which will become a part of the ordinance amendment. The applicant should include at least the items listed below.

(1) A boundary survey showing the total acreage, present zoning classifications, date, and north arrow.

(2) The owners' names, addresses, and the tax parcel numbers of all adjoining properties.

(3) All existing easements, reservations, and rights-of-way, and all yards required for the zoning district requested.

(4) Proposed use of land and structures. For residential uses this should include the number of units and an outline of area where the structures will be located. For nonresidential uses, this should include the approximate square footage of all structures and an outline of the area where the structures will be located.

(5) Traffic, parking, and circulation plans, showing the proposed locations and arrangement of parking spaces and access points to adjacent streets.

(B) *Additional requirements.* When dealing with the conditional district process, it may be desirable to request additional information in order to evaluate a proposed use and its relationship to the surrounding area. Therefore, the Planning Board and/or Board of Commissioners may request additional information as they deem necessary. This information may include but is not limited to the items listed below.

(1) Proposed screening, including walls, fences, or planting areas as well as treatment of any existing natural features.

(2) Delineation of areas within the regulatory floodplain as shown on official Flood Hazard Boundary Maps for Mecklenburg County.

(3) Existing and proposed topography at four-foot contour intervals or less.

(4) Generalized information on the number, height, size or, in especially critical situations, the location of structures.

(5) Proposed number and location of signs.

(6) Approximate completion time of the project and proposed phasing, if any.

(C) *Review and approval.*

(1) In considering an application for the

establishment of a conditional district, the Board of Commissioners may attach reasonable and appropriate conditions to the location, nature, and extent of the proposed use. Any conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities, such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, and other matters that the Board may find appropriate or the petitioner may propose. The conditions may not include architectural review or controls. The petitioner will have a reasonable opportunity to consider and respond to any such additional requirements prior to final action by the Board of Commissioners.

(2) In evaluating an application for the establishment of a conditional district, it is appropriate for the Commissioners to consider the following:

(a) The policies and objectives of the Comprehensive Plan, particularly in relation to the proposed site and surrounding area.

(b) The potential adverse impacts on the surrounding area, especially in regard but not limited to traffic, storm drainage, land values, and compatibility of land use activities.

(3) In the review and approval of a parallel conditional use district, emphasis will be given to an evaluation of the characteristics of the specific use proposed in relationship to surrounding properties.

(D) *Effect of approval.* If an application is approved, the conditional district established and all conditions attached to the approval are binding on the property. All subsequent development and use of the property must be in accordance with the approved plan and conditions. The intent of this type of zoning is to provide an alternative procedure for specific development proposals. It is intended that all property be zoned only in accordance with firm plans to develop. Therefore, three years from the date of approval, the Planning Board will examine the progress made to develop in accordance with approved plans to determine if active efforts are proceeding. If it is determined by the Planning Board that active efforts to comply with the approved plan are not proceeding, a report will be forwarded to the Board of Commissioners which may recommend that action be initiated to remove the conditional district in accordance with the amendment procedures outlined in §§ 153.265 through 153.271.

(E) *Alterations to an approved conditional district.* Changes to approved plans and conditions of development will be treated the same as changes to the zoning map and will be processed as an amendment as provided in §§ 153.265 through 153.271. However, minor changes in the detail of the approved plan which will not alter the basic relationship of the proposed development to adjacent property, will not alter the uses permitted or increase the

density or intensity of development, or will not decrease the off-street parking ratio or reduce the yards provided at the boundary of the site may be approved by the Zoning and Planning Board without going through the amendment process.

(F) *Issuance of a parallel conditional use permit.* If a petition for a parallel conditional use district is approved, the Board of Commissioners will issue a parallel conditional use permit authorizing the use with any reasonable conditions that the Commissioners determine are necessary in promoting public health, safety, and general welfare.

('72 Code, § 3202) (Ord. 477, passed 2-8-88)

§ 153.202 PERMITTED USES AND DEVELOPMENT REQUIREMENTS.

(A) Potential uses which may be considered for a parallel conditional use district are restricted to those uses permitted in the corresponding general zoning district. Uses permitted in parallel conditional use districts are subject to all applicable development standards and requirements for that use listed in the corresponding general zoning district.

(B) The application for a parallel conditional use district must contain information and/or site plans which indicate all of the principal and accessory uses which are proposed to be developed on the site. Subsequent to the approval of a parallel conditional use district, only those principal and accessory uses indicated on the approved plan may be constructed on the site. Any modifications to an approved plan or any changes in the permitted principal or accessory uses must comply with the provisions of division (E) of this section.

(C) Uses for which conditional district zoning is sought are limited to those uses listed in the following sections.

('72 Code, § 3203) (Ord. 477, passed 2-8-88; Am. Ord. 875, passed 5-9-94)

§ 153.203 ZONING MAP DESIGNATION.

Following Board of Commissioners approval of a parallel conditional use district, the property in question will be identified on the zoning maps by the appropriate parallel conditional use district designation. This designation is the general zoning district designation plus the letters "CD" (for example 0-15(CD)). Following the approval of a conditional district rezoning request, the property will be identified on the zoning maps with the appropriate designation which is listed with the requirements for each use.

('72 Code, § 3204) (Ord. 477, passed 2-8-88)

§ 153.204 B-1 SHOPPING CENTER DISTRICT (B1-SCD).

(A) *Purpose.* The purpose of the B-1 Shopping Center District is to provide conditional districts for the development of integrated shopping centers or of retail sales establishments which exceed 100,000 square feet of total floor area. The location of those developments is of major importance to a wide area. To ensure that these developments are not detrimental to adjacent uses or the orderly and well-planned development of the community, the proposed uses are regulated through the conditional zoning process.

(B) *Application.* Applications for the establishment of a B-1 Shopping Center District must be submitted and will be reviewed in accordance with § 153.201 and must include the following additional information.

(1) The proposed location of buildings, their general exterior dimensions, and total square footage.

(2) The proposed location of off-street loading facilities.

(3) A traffic, parking, and circulation plan, showing the proposed locations and arrangements of access points to nearby streets.

(C) *Permitted uses.* The uses permitted in the B-1 Shopping Center District are those specified for the B-1 District and the use set out below.

(1) Retail sales of gasoline are allowed in the B-1 (SCD) District, but only if the B-1 (SCD) conditional plan and supporting text governing development of the site approved by the Board of Commissioners specifically designates the retail sale of gasoline as one of the permitted uses for the site and the following additional development requirements for the gasoline sales facility are satisfied:

(a) the lighting under any outside canopy installed over the area where gasoline is dispensed shall be of the flat lens type (as opposed to a dropped lens) and the distance between these lights and the grade level below may not exceed fifteen (15) feet;

(b) no freestanding lighting fixture (including any separate base) which is installed inside the boundaries of the gasoline sales facility may exceed 20 feet in height;

(c) in addition to any signage attached to the principal building, wall signs may be attached to any outside canopy installed over the area where gasoline is dispensed provided that (i) a maximum of one wall sign may be attached to any given side of the canopy; (ii) a maximum of two wall signs shall be permitted on the canopy; (iii) the maximum size of a single wall sign shall be 12 square feet; and (iv) these wall signs may be illuminated;

(d) no automotive mechanical or maintenance work, such as engine overhauls, tune-ups or oil changes may occur on the site except, when applicable, the installation of tires as specifically authorized by the provisions of §153.060(B)(67)(c);

(e) the approved B-1(SCD) conditional plan governing development of the site must identify the location of the proposed gasoline sales facility on the site by specifically depicting its outer limits and must also depict the manner in which vehicles are to be routed to, through, and out of the facility;

(f) the approved B-1(SCD) conditional plan governing development of the site must provide for a landscaping program which, unless otherwise specified in the conditional plan, provides for the installation of a landscaping strip around the outer limits of the proposed gasoline sales facility except for the areas within those outer limits which form parts of its entrance driveway and its exit driveway, and also specify the maximum widths of each driveway at these entrance and exit points.

(g) the approved B-1(SCD) conditional plan governing development of the site must specify that the landscaping required to be installed under paragraph (f) above will:

* consist of a combination of trees and shrubs which satisfy the planting requirements for perimeter landscaping under §153.075(F)(1), (2), and (4); and

* be installed within a planting strip that is at least eight (8) feet in width; and

this landscaping shall be in addition to any landscaping required for the site had the proposed gasoline sales facility not been a part of the site's approved conditional development plan;

(h) no products other than gasoline may be sold within the proposed gasoline sales facility.
(Ord. No. 1419; passed 2-14-05)

(D) *Development requirements.* Development requirements for the B-1 Shopping Center District are specified below.

(1) The minimum site area must be at least three acres.

(2) The minimum distance from street lines to any building must be at least 40 feet.

(3) The minimum distance from other property lines to any building must be at least 25 feet for any building under 35 feet high.

(4) The minimum distance from other property

lines to any building which exceeds 35 feet must be increased by one foot for every one foot in added building height when the adjacent property is zoned residential, and one foot increase in yards for every two feet in added building height over 35 feet when the adjacent property is nonresidentially zoned.

(E) *Review and approval.* In evaluating applications for B-1 Shopping Center Districts, it is appropriate for the Board to consider the following.

(1) Access to public streets and the adequacy of those streets to carry anticipated traffic.

(2) On-site circulation for both pedestrian and vehicular traffic.

(3) Adequacy of existing community facilities such as water, sewer, police, and fire protection.

(4) Relationship to and impacts upon adjoining and nearby properties and the adequacy of proposed measures to minimize any adverse impacts.

(5) For proposed shopping centers, the appropriateness of the proposal in relationship to the policies and objectives of the Comprehensive Plan and to a more detailed area plan, if available.

(F) *Zoning map designation.* Following Board of Commissioners approval of a B-1 Shopping Center District, the property will be labeled "B-1 SCD" on the official zoning map.

('72 Code, § 24-3210) (Ord. 477, passed 2-8-88; Am. Ord. 643, passed 11-5-90; Am. Ord. 775, passed 4-12-93) Penalty, see § 153.999

§ 153.205 R-VS RESIDENTIAL VARIED STYLE DISTRICT.

(A) *Purpose.* The purpose of the R-VS District is to create beneficial new higher-density yet single-family-like housing opportunities not traditionally found in Matthews, such as zero-lot line homes, single family semi-detached, single-family attached including townhouses, patio homes, duplexes, pinwheel design, and similar styles. The density of dwellings in the R-VS district shall not exceed set limits as defined below by use of yard and dimensional standards. This district is primarily intended to be employed: near the downtown as shown in the Downtown Master Plan; at specific sites identified by the Land Use Plan as exhibiting unique criteria offering an opportunity for an alternative to traditional detached single-family development; and on a petitioner requested basis when the proposed site can be demonstrated to accommodate the increased density and exhibits a thoughtful, imaginative use of the land. Location of R-VS districts shall be determined when they show reasonable and appropriate land use relationships, both

within the development itself and with surrounding areas adjacent to the development. By having specific dimensional standards and requiring site plan approval, maximum control of development can be achieved through use of this district. The R-VS District shall be considered a Residential District when this reference occurs at other sections of this chapter.

(B) *Application.* Application for establishment of the R-V.S. District must be submitted and will be reviewed in accordance with Section 153.201. In order to be considered for designation into the R-VS classification, any land parcel or tract shall be a minimum of one-half acre in size and able to accommodate a minimum of six (6) dwelling units when utilizing the dimensional standards given below.

(C) *Permitted uses.* Permitted uses within the R-VS District shall be the same as those given for single-family zoning districts at Section 153.054(B). Also allowed in the R-VS district are the following:

(1) Dwellings, single-family semi-attached

(2) Dwellings, single-family attached

(3) Dwellings, two-family

(4) Dwellings, zero-lot line

(5) Sheltered Households and assisted living facilities limited to the same maximum size as a sheltered household. (Ord. No. 1126; passed 6-12-00; Ord. No. 1562-A, passed 6-11-07))

(D) *Uses under prescribed conditions.* The uses permitted under prescribed conditions for single-family districts at Section 153.054(C) are allowed as uses under prescribed conditions in the R-VS district.

(E) *Accessory uses.* The uses permitted as accessory uses for single-family districts at Section 153.054(D) are allowed as accessory uses in the R-VS district.

(F) *Yard, area, and height regulations.* As the number and density of alternative housing units increases in a concentrated location, their impacts on the surrounding land uses increase. For that reason, separate dimensional standards are established for alternative housing projects of different scales of size.

(1) The following standards apply to the various residential uses in the R-VS district.

(a) For land parcels or alternative housing project development areas up to 3 acres in size:

	Single-Family Detached	Zero-Lot Line	Single-Family Semi-Detached, Two-Family and Duplex	Single-Family Attached
Min. Lot area	3,000 sq. ft.	3,000 sq. ft.	2,500 sq.ft./du	2,000 sq.ft./du
Min. Lot width	30'	25'	20'/du	20'/du
Min. Setback	20'	20'	20'	20'
Min. Side yard	8'/6'	0'*/10'	0'*/8'	0'*, and 8' for end unit open side
Min. Rear yard	25'	20'	25'	20'
Min. Unobstructed open space (% of lot)	20%	20%	20%	15%
Max. Height	35'	35'	35'	35'

* Any wall constructed on the side lot line must be a solid, windowless wall. If there is an offset of the wall from the lot line, that offset portion must be at least eight feet from the side lot line. A five foot maintenance easement and maximum eave encroachment of two feet within the maintenance easement must be established in the deed restrictions and covenants of the adjoining lot, where applicable to a 0' side yard not adjoining another structure. This will provide ready access to the lot line wall at reasonable periods of the day for normal maintenance.

(b) For land parcels or alternative housing project development areas over 3 acres in size:

	Single-Family Detached	Zero-Lot Line	Single-Family Semi-Detached, Two-Family and Duplex	Single-Family Attached
Min. Lot area	4,500 sq.ft.	4,500 sq.ft.	4,500 sq.ft./du	3,000 sq.ft./du
Min. Lot width	40'	35'	35'/du	30'/du
Min. setback	20'	20'	20'	20'
Min. side yard	8'/6'	0'*/15'	0'*/8'	0'*, and 8' for end unit open side
Min. rear yard	30'	20'	30'	20'
Min. unobstructed open space (% of lot)	25%	25%	25%	20%
Max. height	35'	35'	35'	35'

* Any wall constructed on the side lot line must be a solid, windowless wall. If there is an offset of the wall from the lot line, that offset portion must be at least eight feet from the side lot line. A five foot maintenance easement and maximum eave encroachment of two feet within the maintenance easement must be established in the deed restrictions and covenants of the adjoining lot, where applicable to a 0' side yard not adjoining another structure. This will provide ready access to the lot line wall at reasonable periods of the day for normal maintenance.

(2) Non residential permitted uses in the R-VS district shall follow the yard and dimensional standards for these uses as given in the single-family district regulations at Section 153.054(E)(2) and (3).

(G) *Additional development requirements.*

(1) Every nonresidential building must be separated from any other building by a distance of at least 25 feet.

(2) A single-family attached dwelling group must be separated by at least 16 feet from another single-family attached dwelling group.

(3) A single-family attached dwelling group must be separated by at least 20 feet from any other style of housing.

(H) *Review and approval.* In evaluating applications for R-VS districts, it is appropriate for the Board of Commissioners to consider the following:

(1) Access to public streets and the adequacy of those streets to carry anticipated traffic.

(2) On-site circulation for both pedestrian and vehicular traffic.

(3) Adequacy of existing community facilities such as water, sewer, police, and fire protection.

(4) Relationship to and impacts upon adjoining and nearby properties and the adequacy of proposed measures to minimize any adverse impacts.

(5) The appropriateness of the proposal in relationship to the policies and objectives of the Land Use Plan and to a more detailed area plan, if available.

(I) *Signs.* Signs are permitted in the R-VS district in accordance with the provisions for other single-family districts at Section 153.140 through 153.155.

(J) *Parking and loading standards.* Development of any use in the R-VS district must conform to the parking and loading standards for other single-family districts in Section 153.115 through 153.129. In addition, no parking of vehicles shall be permitted in the required setback in the R-VS district for single-family attached groups of more than 6 units or any nonresidential uses. On corner lots, parking will not be permitted in the side yard closer to the side street than 6 feet.

(K) *Zoning map designation.* Following Board of Commissioners approval of an R-VS district, the property will be labeled "R-VS" on the official zoning map. (Ord. 947, passed 8/12/97)

DIMENSIONAL REQUIREMENTS

(A) *Dimensional requirements.* Dimensional requirements for cluster developments are established in the following tables.

(1) One-family detached dwellings:

	R-9	R-12	R-15	R-20
Minimum lot area	6,750	9,000	11,250	15,000
Minimum lot width	60 feet	60 feet	70 feet	80 feet
Minimum side yards	Six feet one side, eight feet other side			
Minimum setback	20 feet	25 feet	30 feet	30 feet
Average setback**	25 feet	30 feet	35 feet	35 feet
Minimum rear yard	25 feet	30 feet	35 feet	35 feet
Minimum unobstructed open space	50%	55%	60%	65%
Maximum height	35 feet	35 feet	35 feet	35 feet
** Arithmetic average of all setbacks for all lots on one side of a block, or of all lots on a cul-de-sac.				

(2) Yards forming outer boundary. Yards which form the outer boundary of a cluster development must conform to the conventional minimum requirements of the district in which the development is located.

('72 Code, § 24-3212) (Ord. 477, passed 2-8-88; Am. Ord. 643, passed 11-5-90; Am. Ord. 839, passed 2-13-95; Ord. No. 1532; passed 1-8-07) Penalty, see § 153.999

§ 153.207 INNOVATIVE DEVELOPMENT.

The preceding sections have dealt with specific regulations for specific conditional districts, which have included certain minimum development standards for those districts. The districts provide a special setting for certain uses and ensure that the type of development which is anticipated in the district is, in fact, what occurs. However, it is not always possible to anticipate variations or improvements in the development types or to accommodate changes with broad, all-encompassing regulations. It may be desirable to consider and evaluate new and innovative development concepts in a specially designated and controlled development setting. The R-VS and MUD Conditional Districts provide such a setting. Therefore, the opportunity for innovative development may be included as an integral part of proposals for R-VS and MUD Conditional Districts.

(Ord. No. 1652-A, passed 11-10-08)

(A) *Purpose.* It is the objective of this section to encourage innovative development proposals that exhibit such special qualities or concepts that they may deviate from standard ordinance requirements. These regulations are established in order that an innovative development proposal

will be evaluated on its own merits. It is recognized that some proposals or concepts will be more successful than others, and the approval of a specific proposal in one situation does not mean that a similar proposal would be acceptable in other circumstances. These provisions are purely optional and are a voluntary means by which land may be developed outside of the standard ordinance requirements. These provisions are designed to evaluate only those innovative concepts that propose to meet a community need that would not otherwise be met. Finally, it should be emphasized that these provisions should not be confused with or take the place of the normal variance procedures established either in §§ 153.285 through 153.291 or Chapter 152.

(B) *Certain development standards may be modified.* The zoning standards listed below which would normally apply to development in the conditional districts may be modified through the innovative development process.

- (1) Lot area.
- (2) Lot width.
- (3) Public street frontage.
- (4) Setback and yards.
- (5) Building separation.
- (6) Height of fences and walls.
- (7) Off-street parking.
- (8) Open space.

(C) *Subdivision ordinance standards may be modified.*

The subdivision development standards listed below which would normally apply to development in the conditional districts may be modified through the innovative development process.

(1) *Street right-of-way.*

(a) Street right-of-way must be at least 30 feet for a “private street” in accordance with county standards.

(b) Street right-of-way must be at least 50 feet for a “public street” in accordance with county standards.

(c) The Board of Commissioners may modify the above right-of-way requirements as they deem necessary or justifiable through the subdivision variance procedure as established by the subdivision ordinance.

(2) *Sidewalks.* Sidewalks, where required or used, must conform to town standards.

(3) *Curbs and gutters.* Curbs and gutters, where required or used, must conform to town standards.

(4) *Street type (public or private).*

(a) Where “public street” is used, it must be constructed in accordance with county standards for a Standard I or Standard II street.

(b) Where “private street” is used, it must be constructed in accordance with county standards for private streets. Private streets must be identified on any record maps as “private street not eligible for State maintenance (unless state road standards are modified).”

(c) The Board of Commissioners may modify the above requirements as it deems necessary or justifiable through the subdivision variance procedures as established by the subdivision ordinance.

(5) All other provisions of Chapter 152 remain in effect.

(D) *Limitations on project size.*

(1) Because of the special nature of these provisions, it is desirable to limit the size of the area proposed for innovative development. This will ensure the appropriateness of the land use relationships with adjoining property while providing needed flexibility essential to the success of these provisions.

(2) The project area that may be considered under these provisions is listed below:

(a) In any R-PUD district, a 36 acre maximum with no minimum.

(b) In any R-VS district, a 50 acre maximum with no minimum.
(Ord. 1237, passed 1-14-02)

(E) *Application.*

(1) In applying for approval of an innovative development concept, the applicant must include a letter to the Director of Planning with a statement of intent which outlines the purpose and objectives of the proposed development; the particular development standards being modified; the special design features or amenities being incorporated into the plan which make the proposed development significant and worthy of approval; and any other applicable information that the applicant may feel is appropriate. The applicant must submit a site development plan drawn to scale showing the information listed below.

(a) Proposed lot configurations.

(b) Proposed vehicular circulation system and off-street parking arrangements.

(c) Proposed pedestrian and/or open space system.

(d) Proposed screening, including fences, walls, or planting areas.

(e) Proposed treatment of any existing significant natural features.

(2) The Board of Commissioners, the Planning Board, or the Director of Planning may require additional information that may be necessary for an adequate review of the proposed development. This information may include individual dwelling unit concepts, intended use and design of the open space network, recreational amenities, and other similar information.

(F) *Review and Approval.* In evaluating an application for innovative developments, the Planning Board will consider whether the development plan meets the objectives listed below.

(1) Accomplishes objectives as specified in the statement of intent.

(2) Exhibits special, atypical design features and thoughtful, imaginative use of the land.

(3) Provides for reasonable and appropriate land use relationships, both within the development itself and with surrounding areas adjacent to the development.

(4) Provides the community with a beneficial, alternative design concept which is potentially applicable in other community situations.

(G) If the Planning Board disapproves an application for an innovative development in an R-PUD District, the grounds for the disapproval will be stated in the records of the Planning Board. An appeal from the decision of the Planning Board may be taken to the Board of Commissioners.

('72 Code, § 3214) (Ord. 477, passed 2-8-88; Am. Ord. 875, passed 5-9-94) Penalty, see § 153.999

§ 152.208 MUD MIXED USE DEVELOPMENT DISTRICT.

(A) *Purpose.* The purpose of the MUD District is to create the opportunity for master planning of large sites for mixed and/or multi-use developments. The MUD District is intended to be used on large sites with unique locational criteria such as at interstate interchanges, intersections of major highways and/or transit stations. The MUD District offers an opportunity for creative site development, planning and design standards while ensuring appropriate land use relationships to surrounding areas.

(B) *Application.* Application for establishment of the MUD District will be reviewed in accordance with § 153.201 and must include the following additional information:

(1) A traffic impact analysis and

(2) The proposed locations of open space and open space amenities.

(C) *Permitted uses.* Permitted uses within the MUD District shall be the same as those permitted within the B-1 District in §153.060 (B) and (C). In addition, multi-family development is permitted in the MUD District. All permitted uses are subject to the development requirements outlined in §153.208 (E) below.

(D) *Accessory uses.* The uses permitted as accessory uses for the B-1 District at §153.060 (D) are allowed as accessory uses in the MUD District. The uses permitted as accessory uses for the Multi-Family District at §153.055 are allowed as accessory uses for multi-family development in the MUD District.

(E) *MUD project area, open space and edge requirements.* Development within the MUD District shall comply with the project area, open space and edge requirements specified below.

(1) The minimum total project area is 30 acres. However, the development may be constructed in multiple phases over time.

(2) The site must have frontage on an existing or proposed major or minor thoroughfare.

(3) The MUD District project shall include an open space system featuring pedestrian amenities. The open

space system may include areas devoted to post construction, water quality and/or storm water detention measures, any required or provided landscaping or screening areas, SWIM buffers, greenways or environmental protection features. Any proposal for a MUD District shall include a comprehensive open space plan along with the implementation schedule for the open space system. The open space system may be constructed in multiple phases over time.

(4) An exterior project edge of at least 100 feet will be established along abutting residentially zoned and developed properties. An exterior project edge of at least 50 feet will be established along abutting residentially zoned properties which are undeveloped. An exterior project edge of at least 15 feet will be established along abutting properties assigned to any other zoning category. The exterior project edge does not apply to those portions of the project which front on a public street. No building, parking, maneuvering, loading or service areas may be located within an exterior project edge.

(5) The minimum distance from any abutting property zoned and developed for residential purposes to any building within the project site under 45 feet in height must be at least 100 feet. The minimum distance from any abutting undeveloped property which is zoned for residential purposes to any building within the project site under 45 feet in height must be at least 50 feet. The minimum distance from any abutting property zoned for residential purposes to any building within the project site 45 feet in height or higher must be increased by one foot for every one foot in added building height over 45 feet. The minimum distance from any abutting property zoned for non-residential purposes to any building within the project site under 45 feet in height must be at least 15 feet. The minimum distance from any abutting property zoned for non-residential purposes to any building within the project site 45 feet in height or higher must be increased by one foot for every two feet in added building height over 45 feet. These minimum separation distances do not apply to buildings abutting public streets. However, such buildings must comply with the setback requirements established under §153.208 (F) below.

(F) *Development requirements.* Development permitted within the MUD District shall comply with the following standards:

(1) Single-family semi-attached dwellings, single-family attached dwellings, two-family dwellings, and zero lot line dwellings shall comply with the development standards outlined in §153.205 (F)

(2) Multi-family development and nonresidential uses shall comply with the development standards outlined below:

Minimum lot area: None

Minimum development area per unit: None

Minimum lot width: None
 Minimum setback: 14 feet
 Minimum setback along an interstate highway: 50 feet
 Minimum side yard: None
 Minimum rear yard: None
 Minimum height: None
 Maximum Height: 45 feet*

*The maximum height of any building may be increased providing its building separate from any properties outside the project site is increased in accordance with §153.208 (E) (5) above.

(3) Multi-family development in the MUD District is not subject to the provisions of §153.165.

(G) *Landscaping and screening standards.* Setbacks shall conform to the streetscape requirements outlined in §153.075 (F). The exterior project edge shall include perimeter landscaping in accordance with §153.075 (G) and shall comply with the screening requirements outlined in §153.075 (I). Individual lots, buildings, and/or uses located within the MUD District are not subject to these provisions.

(H) *Parking Area Landscaping.* All parking areas shall comply with the interior landscaping requirements established under §153.075 (H).

(I) *Signs.* Signs shall comply with the provisions of §153.140 through §153.155 except that the number and size of signs shall conform to §153.155(B) Table 2.

(J) *Parking and loading standards.* The following parking and loading standards shall be provided in accordance with the following minimum standards:

(1) Off-street motor vehicle parking for the uses listed below shall be provided in accordance with the following minimum standards:

(a) Non residential uses:

1 space per 300 square feet of gross floor area

(b) Planned multi-family development:

1,249 square feet or less	1.00
1,250 square feet or more	1.25

(c) All other residential uses as permitted in the MUD District are required to provide off-street motor vehicle parking in accordance with the minimum standards set forth in §153.117.

(2) Bicycle parking spaces shall be provided in accordance with §153.117.

(3) Off-street loading spaces shall be provided in accordance with §153.129.

(4) Parking plans for all development must be submitted to the Planning Department for review and approval in accordance with §153.123.

(5) Joint use of required parking spaces may be permitted with approval from the Zoning Administrator for different uses on newly developed mixed-use parcels provided the property owner can demonstrate that uses will not overlap in hours of operation or in demand for shared spaces.

(6) Where on-street or public parking lot spaces are located within 400 feet of a building entrance, up to a 25% reduction to required on-site parking may be allowed for new construction.

(7) New on-street parking spaces developed adjacent to and in conjunction with a new building may be counted toward the minimum on-site parking requirements for that building. Any such on-street parking spaces may only be attributed to meeting minimum parking requirements for one new building.

(8) The required minimum number of off-street parking spaces may be provided in any location within the MUD District project area. However, each construction phase of the MUD project must comply with the off-street parking requirements of this Section.

(K) *Architectural Compatibility.* All buildings within the MUD District project must be architecturally compatible in appearance and quality through the use of similar building materials, colors, architectural features and styles.

(L) *Innovative Development.* The MUD District establishes minimum standards for development and design. Those standards, however, might not always be appropriate to the particular development. Accordingly, new development concepts, innovative design, unique circumstances or public/private ventures may require the use of alternative development or design standards. In such cases, the development requirements specified in §153.208 (E) may be modified through the Innovative Development provisions of §153.207.

(M) *Zoning map designation.* Following Board of Commissioners approval of a MUD District, the property will be labeled MUD on the official zoning map. (Ord. No. 537, passed 11-10-08)